

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: January 6, 2009 Name: Vincent J. Gnoffo, Reg. No. 44,714 Signature: _____



Our Case No. 8285/628
Client Ref. No. A00569-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bruce E. Stuckman et al.

Serial No. 10/622,071

Filing Date: July 16, 2003

For TELEPHONE SET HAVING A
HELP KEY AND METHODS AND
SYSTEMS FOR USE THEREWITH

Examiner Rasha Al-Aubaidi

Group Art Unit No.: 2614

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection that was mailed October 7, 2008 in the above-identified application. No amendments to the claims are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

REMARKS

I. Introduction

Claims 26-47 are pending in the application. The Final Office Action dated October 7, 2008 rejected claims 26-28, 30-36, 38-44 and 46-47 under 35 U.S.C. § 103 as being unpatentable over Boakes (U.S. 5,789,468) in view of Partridge (U.S. 5,550,915). Claims 29, 37 and 45 were rejected under 35 U.S.C. § 103 as being unpatentable over Boakes in view of Partridge and Popular Mechanics (vol. 159, No. 4, April 1983, p.199).

II. The Office Action does not correctly address missing elements of the claims

A. Claim 26

Claim 26 recites a telephone set in which, among other things, "the help information comprises a message explaining a function of the first telephone service key."

Boakes relates to a telephone device and method to enable a user of the telephone to read a telephone number stored in memory. Boakes does not disclose or suggest help information to explain a function of a telephone service. Nor does Partridge fill the gaps of Boakes. Partridge relates to a telephone station set arranged to automatically prefix calls, and there is no such help information in Partridge. Neither Boakes nor Partridge, alone or in combination, discloses or suggests "the help information comprises a message explaining a function of the first telephone service key."

The Office Action states on page 6 that this feature is merely a design choice. Applicants disagree and since the feature is explicitly recited, Applicants respectfully request that the claims be allowed or that a reference be provided that discloses this feature in the context of the claims.

For at least these reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

B. Claim 35

Claim 35 recites a method in which, among other things, “the help information comprises a message explaining a function of the first telephone service key.” As discussed above, neither reference, alone or in combination discloses or suggests at least this feature. For at least these reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

C. Claim 43

Claim 43 recites a computer readable medium in which, among other things, “the help information comprises a message explaining a function of the first telephone service key.” As discussed above, neither reference, alone or in combination discloses or suggests at least this feature. For at least these reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

D. Claims 29, 37 and 45

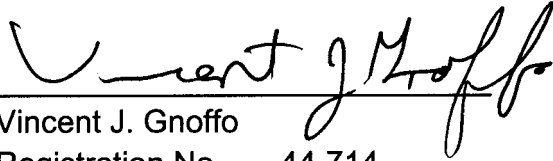
Popular Mechanics discloses a voice switch that tells the user a phone number when the switch is pushed. Popular Mechanics does not disclose or suggest at least retrieving help information wherein the help information comprises a message explaining a function of the first telephone service key. Nor do Boakes and Partridge disclose such help information, as discussed above, either alone or in combination with Popular Mechanics.

For at least these reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

III. Conclusion

For at least the above reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent J. Gnoffo", written over a horizontal line.

Vincent J. Gnoffo

Registration No. 44,714

Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200